

Membership Balance Plan Civil Nuclear Trade Advisory Committee

- (1) **Name:** Civil Nuclear Trade Advisory Committee
- (2) **Authority:** The Secretary of Commerce established the Civil Nuclear Trade Advisory Committee (the Committee) under the authority granted in 15 U.S.C. 1512 and in accordance with the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App.
- (3) **Mission/Function:** The Committee shall advise the Secretary on the development and administration of programs to expand U.S. exports of civil nuclear goods and services in accordance with applicable U.S. laws and regulations, for use by the Department in its role as a member of the Civil Nuclear Trade Working Group of the Trade Promotion Coordinating Committee and the Department's active participation in the Atoms for Prosperity interagency group to promote U.S. civil nuclear trade.
- (4) **Points of View:** The Committee shall consist of approximately 40 members appointed by the Secretary in accordance with applicable Department of Commerce guidance and based on their ability to carry out the objectives of the Committee. Members shall represent U.S. companies, U.S. utilities, U.S. trade associations, and U.S. private sector organizations with activities focused on the export competitiveness of the U.S. civil nuclear industry. Members shall reflect the diversity of this sector, including in terms of entity or organization size, geographic location, and subsector represented. The Committee shall also represent the diversity of company or organizational roles in the development of civil nuclear energy projects. The Secretary shall appoint to the Committee at least one individual representing each of the following:
- a. civil nuclear manufacturing and services companies;
 - b. small businesses;
 - c. utilities;
 - d. trade associations in the civil nuclear sector;
 - e. research institutions and universities; and
 - f. private sector organizations involved in strengthening the export competitiveness of U.S. civil nuclear products and services.

Members shall serve at the pleasure of the Secretary from the date of appointment to the Committee to the date on which the Committee's charter terminates. Members, all of whom come from the private sector, shall serve in a representative capacity presenting the views and interests of a U.S. entity or U.S. organization, as well as its particular subsector; they are, therefore, not Special Government Employees. Members may be reappointed to any number of additional terms, provided that the member proves to work effectively on the Committee and his/her knowledge and advice is still needed.

- (5) **Other Balance Factors:** Members shall reflect the diversity of firms involved in the export of civil nuclear energy goods and services and in the development of foreign civil

nuclear energy projects, including in terms of entity or organization size and geographic location.

- (6) Candidate Identification Process:** The Designated Federal Official (DFO) for the Committee solicits applications/nominations for membership to ensure a qualified and diverse pool of candidates through the following mechanisms: a *Federal Register* notice; Department of Commerce website notification; outreach to 100+ Department of Commerce offices located throughout the United States; outreach to relevant industry trade associations; outreach to past and existing Committee members; and conducting meetings with stakeholders. The Committee members serve two-year appointments and may reapply for membership every two years on an unlimited basis. Should vacancies occur, the Office of Energy and Environmental Industries will follow the candidate identification process specified above to fill the vacancy unless the term of the appointment would expire prior to being able to fill the vacancy.

The DFO, the Assistant Secretary for Industry and Analysis, the Under Secretary for International Trade, the Office of the General Counsel, and advisors and staff from the Office of the Secretary of Commerce are all involved at various stages of the appointment process and in determining the balance of the Committee. Prospective members are: internally vetted within the International Trade Administration and any other Departmental operating unit that may have an interest in the work of the Committee; externally vetted through a variety of publicly available databases and other public information; and subject to an ethics check against the Secretary of Commerce's Disqualification Statement. The Secretary will make the final determinations.

The process will result in consideration of a cross-section of those directly affected, interested, and qualified individuals with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed (41 CFR § 102-3.60(b)(3)). The DFO will monitor applications and ensure balance on the Committee.

- (7) Subcommittee Balance:** The process for determining member balance on subcommittees is the same as the process for the Committee. Such subcommittees or working groups may not work independently of the Committee and must report their proposed recommendations and advice to the Committee for full deliberation and discussion. Subcommittees or working groups have no authority to make decisions on behalf of the Committee nor can they report directly to the Secretary or designees.

- (8) Date Prepared/Updated:** July 2014